

RICHARDS KIBBE & ORBE LLP
One World Financial Center
New York, NY 10281
Telephone: (212) 530-1800
Facsimile: (212) 530-1801
Neil S. Binder

Counsel for Field Point IV S.à.r.l.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

LEHMAN BROTHERS HOLDINGS, INC., *et al.*,

Debtors.

Chapter 11 Case

No. 08-13555 (JMP)

(Jointly Administered)

**DECLARATION OF NEIL S. BINDER IN SUPPORT OF FIELD POINT IV S.À.R.L.'S
REQUEST PURSUANT TO FEDERAL RULE 28(b)(1)(B) AND FEDERAL RULES OF
BANKRUPTCY PROCEDURE 9014 AND 7028**

I, Neil S. Binder, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a partner at Richards, Kibbe & Orbe LLP, One World Financial Center, New York, New York 10281, and am fully familiar with the facts set forth herein.

2. I am counsel for Field Point IV S.à.r.l. ("Field Point").

3. I submit this declaration in support of Field Point's request, pursuant to Rule 28(b) of the Federal Rules of Civil Procedure, made applicable by Rules 9014 and 7028 of the Federal Rules of Bankruptcy Procedure, for the issuance of a letter of request for an examination

outside of the jurisdiction to the High Court of Justice of England and Wales, Royal Courts of Justice, Strand, London WC2A 2LL to cause the deposition of George Perry.

4. The present dispute is between Field Point and Lehman Commercial Paper, Inc. (“LCPI”) and its affiliated debtor, Lehman Brothers Holdings, Inc. (together with LCPI, “Debtors,” and collectively with their debtor and non-debtor affiliates, “Lehman”).

5. Mr. Perry is a former Lehman employee and has personal knowledge of the issues relevant to this dispute. Mr. Perry resides in or near London. On information and belief, Mr. Perry’s address is George Perry, c/o Nomura International Plc, 25 Bank Street, London E14 5LE, England.

6. Counsel for Debtors have advised me that Debtors cannot produce Mr. Perry for deposition in connection with this dispute.

7. Field Point has made efforts to obtain Mr. Perry’s testimony voluntarily. These efforts to secure Mr. Perry’s testimony by means other than letter of request were unsuccessful.

8. Based upon documents produced in this litigation, it is apparent that Mr. Perry is a key witness to the facts in dispute and his testimony is required for a fair determination of the matters in dispute.

9. Mr. Perry’s examination will be arranged to take place at a time and place to be mutually agreed upon by counsel and Mr. Perry, within the jurisdiction of the appropriate judicial authority.

10. I have conferred with counsel for Debtors and have been advised that Debtors consent to Field Point's request.

11. Attached hereto as Exhibit A is a true and correct copy of the Amended Stipulation and Order Regarding Discovery entered by this Court in the above-captioned matter.

12. Attached hereto as Exhibit B is a true and correct copy of an email chain, with the most recent email dated September 04, 2008 and beginning with an email from Robin Fujiwara addressed to 'LoanClosingLondon@lehman.com.'

Dated: New York, New York
August 31, 2009

/s/ Neil S. Binder
Neil S. Binder

One World Financial Center
New York, NY 10281
Telephone: (212) 530-1800
Facsimile: (212) 530-1801

Counsel for Field Point IV S.à.r.l.